



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

CURT BECK
Special Assistant Corporation Counsel
E-mail: cbeck@law.nyc.gov
Phone: (212) 676-1395
Fax: (212) 788-9776

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VIA ECF w/Courtesy Copy by Hand

The Honorable Carol B. Amon
United States Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Walker v. City of New York, et al., 12 Civ. 385 (CBA)(LB)

Dear Judge Amon:

I represent the defendant The City of New York in the above-referenced matter in which plaintiff alleges, *inter alia*, that her constitutional rights were violated during a ten minute car stop which resulted in no arrest, no summons, nor even a ticket. On May 23rd, the City issued a Rule 68 in the amount of \$1,501. Plaintiff accepted the Rule 68 on May 25th. Plaintiff's counsel then saw fit to file both the Rule 68 (to which the City obviously has no objection) along with what he styled a [Proposed] "Order of Settlement and Dismissal of Action" (hereinafter, the "[Proposed] Order") (to which the City strongly objects). The [Proposed] Order omits critical language in the Rule 68, including for example only, the City's agreement to pay "*reasonable* attorney's fees, expenses and costs to the date of this offer for plaintiff's *federal* claims." (Emphases added). We trust these and other defects are merely careless omissions by plaintiff's counsel, rather than something more serious. However, until I am able to resolve these issues with plaintiff's counsel, the City respectfully requests that Your Honor not sign the [Proposed] Order submitted by plaintiff's counsel at Docket Entry No. 10, because it does not *accurately* reflect the terms of the Rule 68 the City issued.

Respectfully submitted,

Curt Beck

CPB/hs

cc: The Honorable Lois Bloom (by Hand)
Leo Glickman, Esq. (via ECF)